

**BEFORE THE ZONING HEARING BOARD OF
MILLERSVILLE BOROUGH, LANCASTER COUNTY, PENNSYLVANIA**

IN RE: :
APPLICATION OF : Case No. 23-03
NICKIFOROS and :
RUTH GRIGORIADES :
:

**DECISION OF THE
MILLERSVILLE BOROUGH ZONING HEARING BOARD**

A. FINDINGS OF FACT

1. Applicants are Nickiforos and Ruth Grigoriades, 136 Ticonderoga Road, East Petersburg, Pa 17520.
2. The property which is the subject of this application is located at 108 N. George Street in the Borough of Millersville, Lancaster County, Pennsylvania.
3. Applicants are the owners of the property.
4. Nickiforos Grigoriades was present and testified at the hearing.
5. On November 1, 2023, Applicants filed a request for a special exception to demolish the house on the subject property.
6. The application was advertised, the property was posted, and adjoining property owners were notified.
7. A hearing was held December 28, 2023.
8. The Board consisted of Lynn Miller, chair; Karen Ekert, and W. David Sykes.
9. The hearing was stenographically recorded.

10. At the beginning of the hearing the solicitor announced that the Board had conducted an executive session.

11. Robert Moyer, the zoning and codes enforcement officer, was sworn and testified that the agenda had been posted on the Borough website and on the Borough municipal building at least 24 hours before the hearing and that copies of the agenda were available for the public.

12. John A. Mateyak, Esquire, represented the Applicants.

13. Also testifying were Phil Gerber, on behalf of the Millersville Borough Historic Commission, and Geoffrey Beers, of Student Lodging, Inc., a proposed developer of the site.

14. Mr. Mateyak introduced two exhibits; Applicant's One, a packet of five color photographs of the exterior of the property, and Applicant's Two, an estimate of the cost of repairs prepared by Benchmark Construction June 12, 2023, consisting of ten pages, with an estimate of \$1,154,844.00.

15. Applicants have owned the subject property since 1984.

16. Applicants own a number of other properties, including the site of The Sugar Bowl next door.

17. The property is improved with a three-story brick Victorian house with a full length porch and elaborate gable enrichment on the street side. The house comprises 2,274 square feet and the lot is 0.4 acres in area.

18. Applicants rented the site to five Millersville students at a time from 1984 until 2008. At that time, departing tenants vandalized the property, although the damage was

covered by insurance. A few months later the copper piping and heating system were stripped from the building by unknown persons. The property has not been used since.

19. Applicants made no effort to repair the property after the 2008 theft and obtained no estimates of the cost. Mr. Grigoriades stated that after the theft he entered into negotiations with a real estate developer but nothing ever came of those discussions.

20. The property has been unused since 2008.

21. In 2022 a porch roof on an addition to the property sustained some minor damage from a tree fall during a storm.

22. Applicants now wish to demolish the property as part of a redevelopment plan with Student Lodging, Inc.

23. The construction estimate was provided by Benchmark Construction, which has an extensive business relationship with Student Lodging, Inc.

24. Benchmark Construction is a commercial rather than a residential contractor.

25. Mr. Grigoriades acknowledged that the estimate was high but stated that in the six months since he obtained the estimate he had not sought any other estimates.

26. Mr. Gerber testified that in March, at a meeting where the demolition plan was considered by the Historic Commission, several contractors experienced in residential renovation work expressed the view that repairs would cost somewhere between \$250,000 and \$300,000.

27. Mr. Mateyak did not offer an appraisal but noted that for property tax purposes the property was most recently assessed at approximately \$280,000.

28. The Historic Commission recommended against demolition.

29. Applicants did not submit the required report of a structural engineer.
30. Applicants did not submit the required report from the Code Enforcement Official indicating compliance with the Property Maintenance Code.
31. Applicants did not submit any documentation regarding attempts to sell the property.
32. Applicants did not submit the required photographs of the interior.
33. Applicants did not submit the required certified property appraisal.
34. Following the conclusion of testimony the Board conducted an executive session with the Solicitor.
35. Following the resumption of public session the Board voted 2-1 to deny the special exception for a demolition permit, with member W. David Sykes dissenting.

B. CONCLUSIONS OF LAW

1. The property is located in the RP Residential Professional Zoning District and is within the Historic Preservation Overlay District.
2. The dwelling is a Class II structure for purposes of the historic preservation provisions of the zoning ordinance.
3. An applicant seeking to demolish a Class II structure shall be granted a special exception if the applicant proves compliance by credible evidence with each and every relevant specific and general performance criteria.

4. The application is legally deficient for failure to submit interior photographs, a certified appraisal, a report from a structural engineer and a report regarding code compliance.
5. The testimony presented lacked credibility as a matter of law.
6. Applicants did not meet their burden of proof in demonstrating that they did not contribute to the existing conditions by neglect.
7. Applicants failed to prove that the property could not be reused.

C.DISCUSSION

Even in a special exception case an applicant has a burden of proof. That burden has not been met. Aside from the multiple instances where Applicants offered no evidence at all on required matters, the evidence presented lacks credibility. The Benchmark appraisal appears to have been created in cooperation with the entity seeking to redevelop the site, giving Benchmark a motivation to create an unrealistically high appraisal. We also note that the applicants sought no other appraisals even though they were on notice from the Historic Commission proceedings that the appraisal was four to five times too high.

D. DECISION

AND NOW, this 28th day of December 2023, the application is DENIED.

THE MILLVERSVILLE BOROUGH ZONING HEARING BOARD

DATE: January 9, 2024

By: 

Neil L. Albert. Solicitor